

# How we Police







# Discussions



- What we are doing now
  - Policy, Procedure, Statistics
- Alternate Response and Resource Models
- Public Safety Commission



# Tonight's Discussion



- Racial Profiling Policy
- De-escalation Training
- Use of Force/Choke Holds
- Community Complaints
- Background Investigations

# Racial Profiling

## *Lexipol Policy 402 – Bias-Based Policing*

- The American Civil Liberties Union (**ACLU**) defines **racial profiling** as “the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual’s race, ethnicity, religion or national origin”.
- According to the National Institute of Justice (NIJ) “Racial profiling by law enforcement is commonly defined as a **practice that targets people for suspicion of crime based on their race, ethnicity, religion or national origin**”.



[https://www.flagstaff.az.gov/DocumentCenter/View/63480/Flagstaff\\_PD\\_Policy\\_Manual-Release-Date-04-17-20](https://www.flagstaff.az.gov/DocumentCenter/View/63480/Flagstaff_PD_Policy_Manual-Release-Date-04-17-20)



# *Bias-Based Policing Policy*



- Bias-based policing is strictly prohibited and every member of this department is required to perform his/her duties in a fair and objective manner and is responsible for prompt reporting of any suspected or known instances of bias-based policing to a supervisor; and should intervene to prevent any bias-based actions by another member.



# How do we know we are not profiling:

- Our officers address behavior, driving behavior and criminal behavior
- Arrests are based on probable cause and the elements of the crime
- Arrest numbers are not part of our performance metrics
- We allocate our limited resources to geographical areas where crime is being committed, collisions are occurring, or the public is requesting
- Appropriate discipline measures are taken when officer are not abiding by our values, mission and policy
- One or two officers leave our agency every year for policy violations
- We are not getting founded complaints



# Checks and Balances

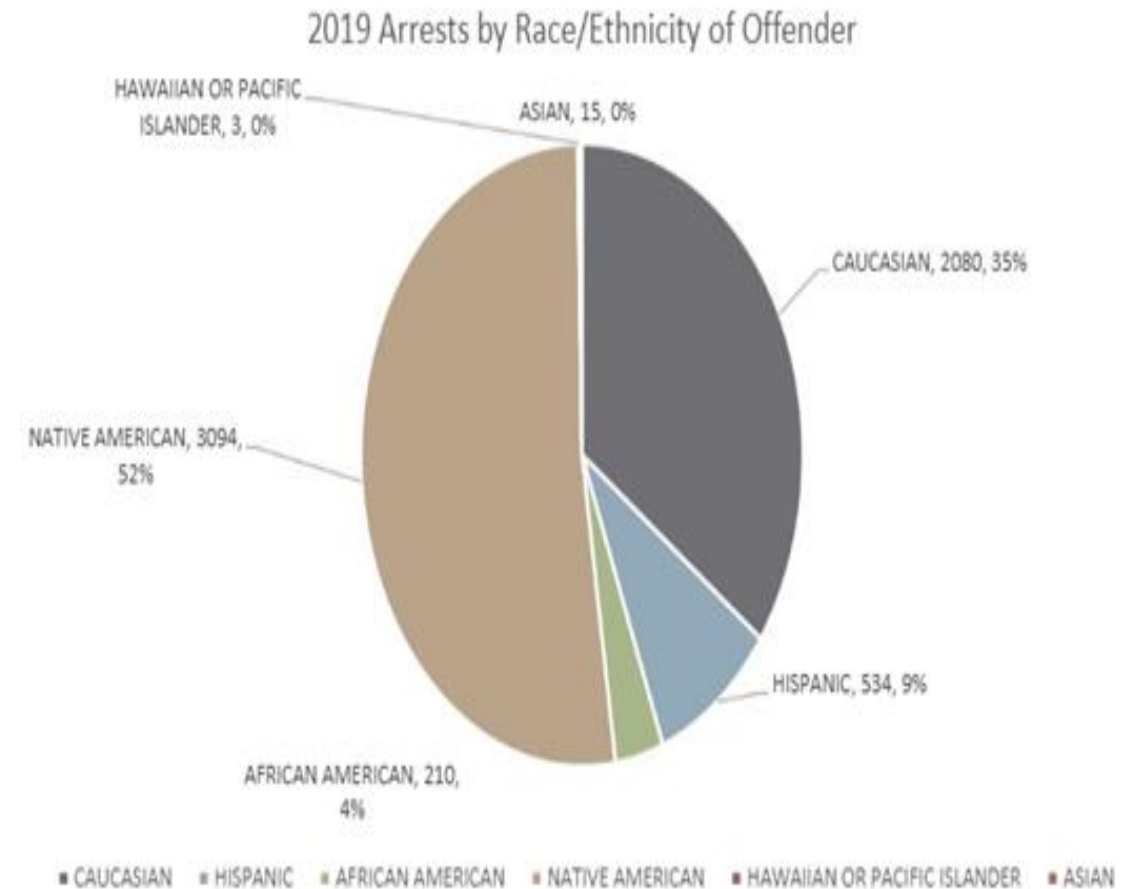
- Body Camera Program and Audits
- Supervisory review of police reports
- Probable Cause and elements of crime must be included in the police report
- Review by prosecutors and public defenders
- Few Civil Litigation Claims
- Red Flag Warning System
- Use of force reviews by deputy chief and legal counsel





# 2019 Arrest Data

- Includes multiple arrests of same person (repeat offenders)
- Includes non-residents
- Does not include warrant arrests, those with unknown race, or those who identify with more than one race



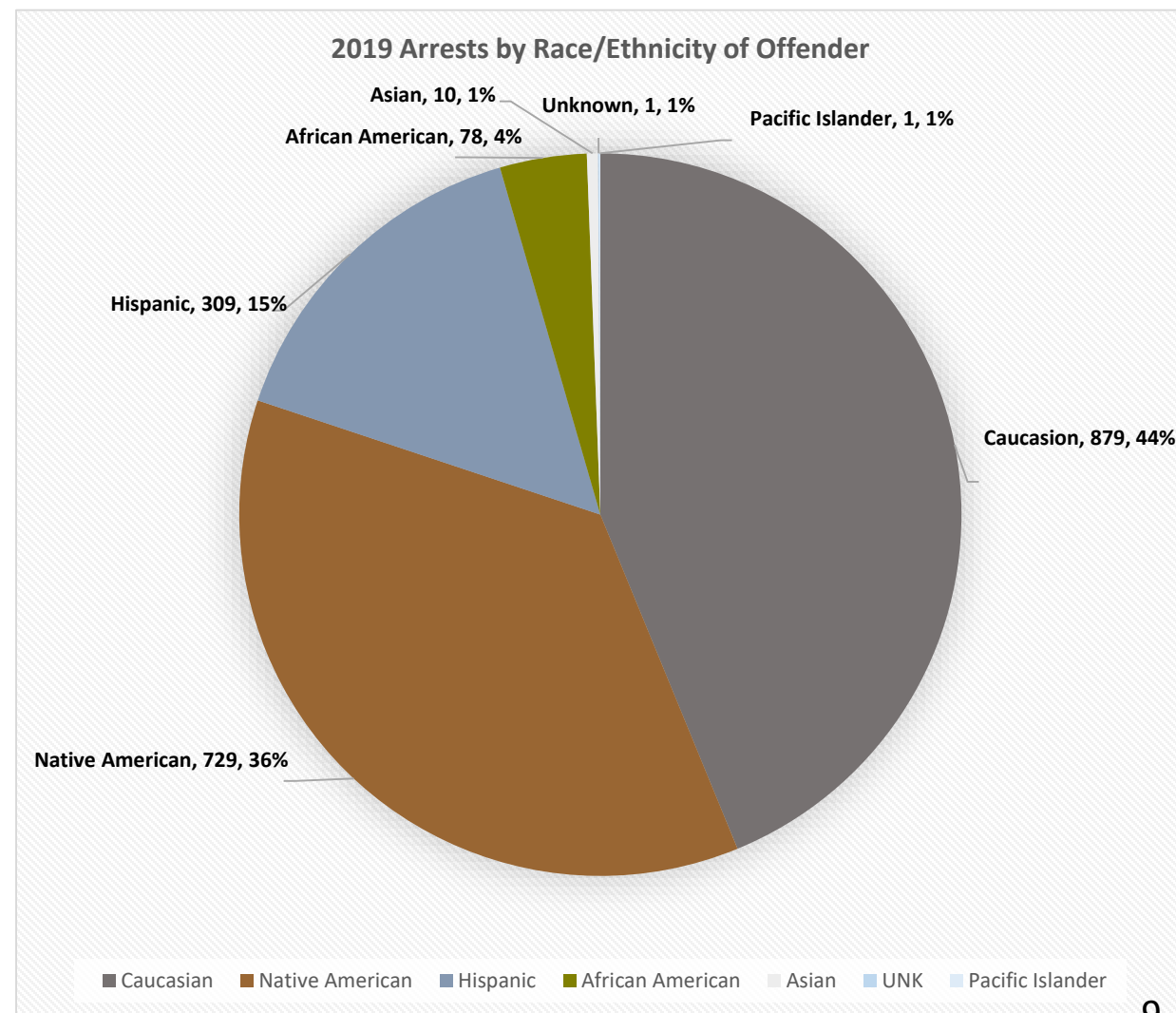




# 2019 Arrests of City Residents



- Does not include warrant arrests, non-city residents, those with a Flagstaff P.O. box or shelter address
- Does not include those with unknown race or who identify with multiple race/ethnicity



# 2019 Arrests by race



Charge	Total	Native	%	Caucasian	%	African American	%	Asian	%
DUI	381	157	42	215	56	9	2	0	0
Agg. Assault	254	146	57	97	38	10	4	1	1
Assault	603	332	56	247	41	21	2	3	1
Disorderly Conduct	761	423	56	306	40	31	4	1	0
Domestic Violence	829	423	51	381	46	20	3	5	0
Public Consumption	398	348	87	44	11	6	2	0	0
Sexual Assault	7	2	29	5	71	0	0	0	0
Shoplifting	444	242	55	172	39	28	6	2	1



# Homicide Data 2015-2019

OFFENSE	REP_DATE	ADDRESS	RACE OF SUSPECT(S)	RACE OF VICTIM	NATURE	DV
MANSLAUGHTER	20150222	5005 E MARKETPLACE DR	BLACK	NATIVE	BLUNT FORCE TO HEAD (HIT BY CAR)	N
HOMICIDE, FIRST DEGREE	20171008	951 E SAWMILL RD	WHITE	WHITE	STABBED/BLUNT FORCE TRAUMA	Y
HOMICIDE, SECOND DEGREE	20170303	2403 N IZABEL ST	HISPANIC	WHITE	GUNSHOT	N
HOMICIDE, SECOND DEGREE	20170725	202 S AGASSIZ ST	HISPANIC	WHITE	STABBED	N
HOMICIDE, SECOND DEGREE-EXT INDIFF	20170907	121 S MILTON RD	NATIVE/BLACK	NATIVE	BLUNT FORCE TO HEAD	N
HOMICIDE, SECOND DEGREE	20171102	2300 E SIXTH AVE	NATIVE	NATIVE	STABBED	N
HOMICIDE, SECOND DEGREE-EXT INDIFF	20171225	2209 E CEDAR AVE	NATIVE	NATIVE	BLUNT FORCE TO HEAD/NECK	N
HOMICIDE, FIRST DEGREE	20180228	1920 E. ARROWHEAD	HISPANIC	BLACK	GUNSHOT	N
HOMICIDE, FIRST DEGREE	20181118	1809 N SECOND ST	NATIVE	WHITE	BLUNT FORCE TO HEAD/NECK	N
MANSLAUGHTER	20190120	FS867 / LAKE MARY	HISPANIC	WHITE	BLUNT FORCE TO HEAD (HIT BY CAR DUI)	N
HOMICIDE, SECOND DEGREE	20190329	3480 E ROUTE 66	WHITE	WHITE	STABBED	



# De-Escalation Training

- Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without responding to the resistance, or with a reduced response
- De-escalation may include the use of techniques such as command presence, advisements, warnings, verbal persuasion, and tactical repositioning





# De-Escalation and Inclusion

- January 2013: Native American Cultural Awareness training by the Navajo Nation Human Rights Commission (8 hours)
  - Also presented in 2014, 2016, 2017. The trainer cancelled in 2019 and we are hoping to reschedule soon
- 2014 to Current: Crisis Intervention Team Training (32-40 hours)
  - November 2014, November 2015, December 2017 & February 2020
- 2015: What You Do Matters, Lessons from the Holocaust by the Anti-Defamation League (8 hours)
  - Twice in 2015, June 2017
- Fall of 2016: Unconscious Bias (Yvette Johnson) the Booker T. Wright Project (4-hours)
- November 2016: Defensive tactics (3 hours)
- 2016 to current: Mental Health First Aid class for officers (8 hours)
  - Multiple classes every year since 2016, currently suspended due to COVID
- 2016 to current: Response to resistance and taser- recertification (3 hours)
- January 2017: Defensive Tactics Control Holds (4 hours)
- May and June 2017: Implicit Bias, by Dr. Frederick Gooding (2 hours)



# De-Escalation Continued

- June 2017 Calming the Fire: De-escalation (2 hours)
- January 2018: Defensive Tactics and scenarios (5 hours)
- April 2018: De-escalation Training presented (2 hours)
- February 2018: Hate Crimes: Sponsored by the Navajo Nation Human Rights Commission (14 hours)
- April 2019: Defensive tactics (3 hours)
- February 2019: Search and seizure training (2 hours)
- May 2019: Frontline to the Homefront: Responding to Service Members & Veterans (3 hours)
- June 2019: Miranda Rights for Patrol (2 hours)
- July 2019: Hate Crimes and symbols for Law Enforcement by the Anti-Defamation League (2 hours)
- December 2019: Fair & Impartial Policing (Implicit Bias) Training (8 hours)
- January 2020: Fair & Impartial Policing (Implicit Bias) for community members and FPD Administration (4 hours)



# Response to Resistance

## Policy 300



- Why do we have laws?
- What happens if we don't enforce the laws?
- When an officer has probable cause to arrest how should he/she accomplish that arrest?
- What should the officer do if someone refuses to be arrested?
- Who decides how the arrest will go and if force will be necessary?

[https://www.flagstaff.az.gov/DocumentCenter/View/63480/Flagstaff\\_PD\\_Policy\\_Manual-Release-Date-04-17-20](https://www.flagstaff.az.gov/DocumentCenter/View/63480/Flagstaff_PD_Policy_Manual-Release-Date-04-17-20)



# Response to Resistance

## Levels of Resistance

- **COMPLIANT:** A person contacted by an officer who acknowledges direction or lawful orders given and offers no resistance or aggression.
- **PASSIVE RESISTANCE:** The subject is not complying with an officer's commands, is uncooperative, but is taking only minimal physical action (action not directed at officer) to prevent an officer from placing the subject in custody and taking control. **Examples:** dead weight, locking arms with another person or holding onto fixed objects.



# Response to Resistance

## Levels of Resistance continued

- **DEFENSIVE RESISTANCE:** The subject's verbal or physical actions are intended to prevent an officer from placing the subject in custody and taking control but are not directed at harming the officer. **Examples:** walking/running away, refusing to give hands.
- **ACTIVE AGGRESSION:** The subject displays the intent to harm the officer, themselves, or another person and prevent an officer from placing the subject in custody and taking control. **Examples:** Taking fighting stance, punching, kicking, attacking with weapons.
- **AGGRAVATED ACTIVE AGGRESSION:** The subject's actions are likely to result in the death or serious bodily harm to the officer, themselves, or another.





# Response to Resistance

## Levels of Force

- **Low level of force:**

- Officer presence, verbal direction, empty hand control techniques, soft and hard control techniques

- **Intermediate force:**

- Pepper Spray, Impact weapons, Taser, Less Lethal munitions, Hard empty hand techniques

- **Deadly force:**

- Firearms, carotid restraint control hold, improvised means of defense



# Response To Resistance

## Type of Resistance

- Complaint
- Passive Resistance
- Defensive Resistance
- Active Aggression
- Aggravated Active Aggression

## Type of Force Officers can use

- Officer presence, verbal commands, handcuffs, carrying person
- Impact push, pressure points, body strikes, Pepper spray (can point taser but not use)
- Baton, Taser, Head and Neck Strikes, Pepperball gun(to impact), Bean bag rounds
- Firearm, Carotid hold, improvised defense measures



# Carotid Control Hold

**The Carotid Control Technique** is a significant physical control technique designed to subdue an individual by reducing the flow of oxygenated blood to the brain by compressing the Carotid Arteries and rendering a person unconscious. This technique is **NOT A CHOKE HOLD**, which is defined as a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation, nor is the carotid hold a technique designed to gain compliance by causing pain.

**Only officers who have received training on how to properly apply the hold may use the technique.**





# Carotid Control Hold

Officers are authorized to use the hold in the following circumstances:

The subject is engaged in **aggravated active aggression** (deadly force) and deadly force would be authorized.

The officer perceives the **subject's actions are likely to result in the death or serious physical injury** to the officer, a third party, or themselves. These actions may include the use of a firearm, a blunt force object, an edged weapon or through the use of physical force.

When the subject is **actively assaulting** an officer or another person and the subject's actions are likely to result in death or serious physical injury to the officer, a third person, or themselves and other control methods have been exhausted, or the officer reasonably believes other methods would be ineffective.



# Response to Resistance

## Graham v. Conner: Objectively Reasonable Force

- United States Supreme Court decision from 1989.
- Court decided that each case is to be looked at individually on its own facts and merits.
- Set forth three factors to consider in each case:
  - The **severity** of the crime
  - Whether the suspect poses an **immediate threat** to the safety of the officer or others
  - Whether the suspect is **actively resisting arrest** or attempting to evade arrest by flight.



# Response to Resistance

## Graham V. Connor

Set forth the standards by which to consider the three factors:

“The Calculus of Reasonableness must embody allowance for the fact that police officers are often forced to make **split second judgments—in circumstances that are tense, uncertain, and rapidly evolving**—about the amount of force that is necessary in a particular situation.”

“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a **reasonable officer** on the scene, rather than with the 20/20 vision of hindsight.”



# Response to Resistance

## Duty to Intercede

Any officer present and observing another officer using **force that is clearly beyond that which is objectively reasonable under the circumstances** shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.





# Response to Resistance

## Use of Force Report Form

Officers must fill out a use of force form in the following circumstances:

- Officer has caused an injury
- Officer has used a less lethal device (Baton, Pepper Spray, Taser)
- Person complains of injury or pain (regardless if it is visible)
- Person is rendered unconscious
- Person is struck or kicked in any manner
- Officer threatens or uses Taser or Firearm



# Response to Resistance

## Review of Use of Force Forms

Form is reviewed by the following individuals to ensure that the use was within our policy:

- Sergeant who supervises the officer
- Lieutenant who supervises the squad the officer is on
- Deputy Chief
- Legal Advisor
- Sergeant Of Professional Standards Division
- All information is then entered into early warning system



# Policy 302

## Use of Force Review Boards

- May be convened when the use of force by an officer results in very serious injury or death to another.
- Chief of Police may convene Board to investigate any use of force incident.
- Made up of representatives from each division, officer's supervisor, a peer officer, certified peace officers from CCSO, DPS and NAUPD, instructor for type of weapon used, and the department Legal Advisor.



# Policy 302

## Use of Force Review Board

- Case is presented and reviewed by the board, police reports and videos provided.
- Board has authority to make inquiry and request further investigation including questioning of officer involved.
- Purpose of the Board is to determine if the actions of the officer were within the policy or outside of the policy but not to determine discipline. Majority vote is required to make a recommended finding to the Chief.
- Board also looks at policy itself to determine if the policy is best practice or needs to be modified or clarified.





# FPD Use of Force

## 2019 Statistics

- 104,615 Events for 2019
  - Arrests
  - Field Interviews
  - Traffic Stops
- Officers used force 100 times in 2019
- Officers used force in .095% of the entire contacts in 2019

# Community Complaints

## *Lexipol Policy 1020 – Personnel Complaints*

## *Flagstaff Police Department Reports & Statistics*



- Are taken in writing, by email, in person, by telephone, or online
- Complaints are investigated immediately, and reviewed through the chain of command
- A finding is reported within 30 days to the complainant
- Complaint data and statistics are available in the Flagstaff Police Department's Annual Report which is published each year

<https://www.flagstaff.az.gov/1209/FPD-Statistics-Reports>



# 2019 Community Complaints

## Citizen Complaints by Ethnic Origin of Complaint

Caucasian	34	61%
Hispanic	6	11%
African American	5	9%
Native American	7	12%
Asian	0	0%
Unknown	4	7%
Total	56	100%

## DISPOSITION OF CITIZEN COMPLAINTS

Disposition	Number	Percent
Sustained	9	16%
Partially Sustained	3	5.4%
Unfounded	36	64.2%
Exonerated	5	9%
Not Sustained	3	5.4%
Policy Failure	0	0%
Withdrawn	0	0%
Total	56	100%



# Racial Complaints by year

YEAR	TOTAL COMPLAINTS	TOTAL RACIAL DISCRIMINATION COMPLAINTS	SUSTAINED RACIAL COMPLAINTS
2019	57	7	0
2018	58	3	0
2017	47	3	0
2016	70	3	0
2015	58	4	0



# Background Investigations



- One out of 17 applicants are hired
- Must meet Arizona Peace Officer Standards and Training Board minimum requirements
- Thorough Background Process

<https://www.flagstaff.az.gov/3897/Employment-Process>



# Background Investigations

## AZPOST Minimum Requirements

- 21 years of age
- High School Diploma or G.E.D.
- Pass a medical test
- Not have been convicted of a felony
- Not dishonorably discharged from the military
- Not previously been denied police certification with the State of AZ
- Not sold marijuana or used marijuana more than 25 times in their life
- Not used any marijuana in the past three years
- Not used a dangerous or narcotic drug more than 5 times and not within 7 years
- Take a polygraph examination
- Good driving record within the past three years



# Background Investigations

## Background Process

- Oral board interview which includes questions regarding racial profiling, community policing and ethics
- Comprehensive background interview, polygraph, psychological test, medical physical, and drug screen
- Former employers contacted
- Personal references contacted
- Driving record checked
- Criminal history, military service and social media checked
- Applicants must pass 18-20 week police academy



# Closing



The Flagstaff Police Department has made significant progressive changes over the last few years to build a better a safer, more just and more transparent future, to include:

- Body camera programs
- Early warning intervention programs for officers
- Getting a legal advisor assigned to the Police Department
- Contract with Lexipol for policy administration, updates and daily training bulletins
- Using transparency.com to share critical incidents
- Providing training on Procedural Justice, Implicit Bias and De-escalation
- Creating a Citizens Liaison Committee